

13 MAY 1976

MEMORANDUM FOR: Director of Central Intelligence

FROM : John F. Blake
Deputy Director for Administration

SUBJECT : Reply to the Management Advisory Group

REFERENCE : Memo dtd 30 Mar 76 to the Director from
The Management Advisory Group; subject:
The CIA Retirement and Disability System

1. On 30 March 1976 the Management Advisory Group prepared a memorandum recommending several far-reaching changes to the CIA Retirement and Disability System (CIARDS). This memorandum raises both interesting and serious questions which the Office of Personnel has analyzed in detail.

2. A response which has been prepared by the Office of Personnel is attached.

3. It is suggested that you sign the memorandum which responds to reference.

/s/John F. Blake

John F. Blake

Attachment

Distribution:

Orig - Adse
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Originator:

(Signed) F. W. M. Jarnoy

Director of Personnel

3 MAY 1976

STATINTL DD/Pers/SP gec (29 Apr 76)

17 MAY 1976

MEMORANDUM FOR: The Management Advisory Group

FROM : George Bush
Director

SUBJECT : The CIA Retirement and Disability
System (CIARDS)

1. This is in reply to your memorandum of 30 March 1976 on the same subject. In that memorandum you recommended that I approve action to propose legislation to amend CIARDS on four counts.

2. I am in full sympathy with the view that CIARDS benefits should keep pace with those afforded other U. S. Government employees in similar lines of work. In this connection a comparison of benefits with the Department of State Foreign Service Retirement System would have been more meaningful since CIARDS was designed primarily for Agency employees serving in support of overseas operations. Nevertheless, as I notified you earlier, I have had the Deputy Director for Administration and his Staff study your proposals. A copy of his report is attached hereto. Based on the points he offered, I must conclude that it would not now be in the interest of the Agency to propose the legislation you recommend.

3. There is the additional concern that to propose now the liberalized retirement benefits discussed in your paper could actually be counterproductive. Perhaps you know that we have submitted to the Congress proposed amendments to CIARDS which would pick up various amendments already enacted to the Civil Service Retirement Act; e.g., the second spouse legislation. Unexpectedly, we have run into serious difficulty and are now exerting every effort to obtain what is merely conforming legislation. Based on this recent experience and the current Congressional attitude aimed at reducing U. S. Governmental pension liability, both for civilians and the military, there is little question that now is not the

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time to seek liberalization of retirement benefits, however strongly we might feel that such improvements may be desirable or even necessary. For the moment, therefore, I believe we should concentrate on securing enactment of our pending legislation and defer for some more appropriate time consideration of the liberalization you have recommended.

4. Please note the description of the Agency's benefit programs presented in paragraph 5 of the attached. If you believe additions, modifications or improvements in these programs can be made, I would welcome any such ideas.

5. I want to compliment you on your thoughtful paper and assure you I recognize the considerable effort necessary for its preparation.

/s/ George Bush

George Bush

Attachment

Distribution:

- 0 - Addressee
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Originator:

(Signed) F. W. M. Sarnay

Director of Personnel

18 MAY 1976

OP/RAD [] (26 Apr 76)

Revised: DD/Pers/SP [] gec (29 Apr & 12 May 76)

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REPORT TO THE MANAGEMENT ADVISORY GROUP
ON THE CENTRAL INTELLIGENCE AGENCY RETIREMENT
AND DISABILITY SYSTEM (CIARDS)

1. The material which follows is a commentary on the memorandum of 30 March 1976 from the Management Advisory Group (MAG) to the Director and an analysis of the recommendation that the Director propose legislation to amend the CIA Retirement and Disability System (CIARDS) on four counts.

2. With respect to the specific recommendations:

a. Higher Annuity Benefits -

(1) Government employees in the special categories covered by higher benefits (i.e., law enforcement officers, firefighters, etc.) must complete at least 20 years of service in those specialties in order to receive the better benefits of higher annuity formula and lower retirement age. Those categories of personnel do not receive those better benefits just for 20 years of Government service.

(2) By contrast, a person may qualify for the benefits of CIARDS upon attaining age 50 with a combination of only five years of "qualifying service" (usually overseas duty), 10 years of Agency service and 20 years of total service. Bear in mind, too, that a participant in CIARDS pays into the retirement fund no more than the ordinary Federal civilian employees contribute, 7%, while members of Congress pay 8% and law enforcement officers and firefighters pay 7-1/2%.

(3) We should have to expect, therefore, that if we were to ask Congress for a higher annuity formula, CIARDS participants would be required to pay more than 7% in contributions to the retirement fund and, of considerably more importance, be required to put in many more years of qualifying service than just five in order to vest for the higher benefits.

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b. Lowering Mandatory Age -

(1) It is assumed that the MAG recommendation that the mandatory retirement age in CIARDS be lowered from 60 to 56 is based on the application of P.L. 92-297 to air traffic controllers in the Civil Service System. The Congress decided that 20 years' performance in such a specialty should qualify a person for retirement at an earlier age. The law, however, does not permit retirement under the special formulas for this group for just 20 years of Government service.

(2) Based on Agency experience, there appears to be no demonstrated need for reducing the mandatory retirement age in CIARDS to age 56. Mandatory retirement age in CIARDS was set at age 60 (down 10 years from normal Federal employment) and is consistent with the concept of "early" retirement. Apart from an earlier mandatory retirement date, the age for voluntary retirement was also lowered considerably from that for the normal Federal service.

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(3) During the years CIARDS has been in operation, [] employees have retired under its provisions. Of these, only [] retired at the mandatory age. The average age of persons retiring under CIARDS shows a steady decline from 55.1 in FY-67 to 51.8 in FY-75 (we do not have figures readily available for FY-66 and FY-65). Clearly, CIARDS has contributed mightily to the Agency interest of keeping its cadre of "certain" employees young and dynamic.

c. Death Gratuity -

The State Department/USIA Authorization Act, Fiscal Year 1975, P.L. 93-475, contained a provision authorizing the Secretary of State to pay gratuity to the surviving dependents of any Foreign Service employee who dies as a result of injuries sustained in performance of duty outside the United States. This gratuity is an amount equal to the year's salary of the employee at the time of death. There has been a continuing interest on the part of the Agency in this legislation and every effort was made to extend its provisions to Agency employees. An OGC opinion in May 1975 (OGC 75-1809) indicated, however, that the provisions of the law could not be adopted by

the Director of Central Intelligence. Since that time the Agency has had as one of its objectives the introduction and passage of legislation to provide similar death gratuity benefits for dependents of Agency employees who die overseas in the performance of duty. It has not been possible as yet to introduce this provision along with other legislative needs of the Agency. The Director of Personnel is, therefore, proposing that death gratuity legislation be initiated as a separate issue. We are convinced this is the proper course to pursue rather than attempting to obtain legislation patterned after P.L. 91-509 that provides death gratuities to the survivors of primarily law enforcement officers in the D. C. area who are killed in the line of duty. As in the case of retirement benefits, our case would be far stronger if we argue before Congress that our need for this benefit compares identically with the Department of State.

d. Increasing Maximum Annuity -

A large segment of the rationale for CIARDS was premised on the need for a system for early retirement. A reduced mandatory age was one means of achieving this and another was reducing the maximum possible annuity from 80% to 70%. It would appear noticeably inconsistent to request authorities for early retirement and then to request authority as you propose to increase the maximum possible annuity.

3. Within the Civil Service System, certain groups have been covered by special benefits (special formulas and lower retirement ages) in recognition of the special hazards they must encounter for at least 20 years, not five years, and for which they make higher contributions to the retirement fund. CIARDS must stand on its own feet and justify its benefits from its own experience. It would be unwise to seek greater benefits merely on the grounds that various other occupations have received higher benefits. We must look to our own rationale, and when we do so, we do not find that CIARDS has fallen to an unfavorable position. The only valid comparison that can be made with CIARDS is the Foreign Service Retirement System. Both systems were designed primarily for personnel serving overseas. In the major area of benefits, both systems match well, and in the fringe benefit area CIARDS has more of the general Civil

Service System benefits. In addition, the House Committee on the Armed Services is now considering H.R. 11088 which proposes 17 amendments for CIARDS to further conform with the general benefits of the Civil Service System.

4. The MAG memorandum did not touch on a factor that is critical in all Government retirement systems today: financing the benefits. One of the 17 amendments now being proposed for CIARDS calls for the infusion of appropriated funds; without such authorization CIARDS cannot meet its schedule of future benefits. (Government retirement systems are financed by a combination of contributions from participants and appropriated funds.) To obtain the benefits recommended by MAG would require a major study of the means by which these could be financed.

5. In the supporting papers the following statement was made: "Our employees have often heard that CIA takes care of its own. The facts do not bear this out, at least in the area of benefits." Against the possibility that MAG may not be aware of the scope of our present benefit programs, the following is offered:

a. The Office of Personnel administers a comprehensive benefits program which has been developed to meet the needs of all CIA employees in such important and diverse matters as insurance, compensation, awards, club and recreational activities, public services and casualty assistance.

b. A complete insurance program of health, life and special purpose insurance is offered. Our own health insurance plan has an enrollment of approximately

c. The unique nature of many Agency assignments coupled with interest in individual employees has resulted in our giving careful attention and professional assistance in submitting employee compensation claims under the Federal Employees' Compensation Act. Employees serving overseas receive a substantial benefit through the Agency's Medical Program for Employees and Dependents Abroad. Approximately \$400,000 a year is expended on the overseas program alone.

d. Incentive awards provide both motivation and reward for Agency employees. The Agency has a commendable record in President Ford's Special Program for Cost Reduction within the Federal Government. Thus far 33 Agency employees have qualified for

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special recognition with total savings in excess of two million dollars. Honor and Merit Awards also provides a significant means to recognize accomplishments. The medals and certificates themselves and the ceremonies conducted by the most senior officials of the Agency are examples of the interest the Agency has in its employees.

e. The Employee Activity Association offers a large variety of clubs, instructional classes, and athletic, social and cultural activities. An exercise room and track are also offered for those who are interested in physical fitness, and, in addition, the EAA Store offers a wide variety of quality merchandise at reasonable prices.

f. The Public Service Aid Society renders assistance to employees who have exhausted other means of self help. Through the Educational Aid Fund, the sons and daughters of employees may be considered for help toward their plans for further education. A blood donor program has been arranged with the Fairfax County Red Cross and our participation in this worthwhile program has benefited many employees because of the blood replacement it provides. The Agency is one of the largest and most consistent Bloodmobile participants in this area.

g. One activity that sums up the concern and interest of the Agency in its employees is the Casualty Assistance Program. Upon notification of the death of an employee the Office of Personnel works closely with other components to arrange appropriate notification of survivors and renders as much assistance as possible. Personnel Officers contact the survivors as soon as proper under the circumstances and in most every instance by personal visit. These representatives advise the survivors of all benefits to which they are entitled and obtain any necessary signatures on applications for benefits.

h. Employees involved in an emergency or in any situation affecting Agency security are urged to seek advice and assistance from the Security Duty Office by calling 351-6161 at any time of the day or night. The assistance provided over the years in a variety of situations has proved to be of the utmost importance to employees and members of their families.

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MEMORANDUM FOR: Director of Central Intelligence

FROM : The Management Advisory Group

SUBJECT : The Central Intelligence Agency Retirement and Disability System (CIARDS)

Executive Registry

76-7615

89 MAR 1975

DD/A Registry

76-1685

1. There is an immediate need to introduce legislation to equalize CIARDS benefits with those accorded other federal employees engaged in activities considered as difficult and hazardous as intelligence work.

2. CIARDS was enacted in 1964 and was designed to permit the CIA to retire approximately 30 percent of its employees who, because of the nature of their work, suffer from physical and mental exhaustion at a relatively early age or, because their skills are not applicable to other fields, become occupationally surplus. In passing this legislation, Congress specifically recognized the need for a young and vigorous group of employees to carry out the mission of the CIA and considered this program to be a means of ensuring the availability of fresh new talent. The law provides an annual annuity computation rate of 2 percent for each year of government service up to a maximum of 70 percent. There is no reduction for age under 55 years for those who retire either voluntarily or involuntarily under CIARDS. Mandatory retirement is at age 60.

3. At the request of a number of Agency employees, the MAG undertook a comparative study of CIARDS benefits relative to the special retirement benefits granted other federal employees. This review shows that the CIARDS benefits have not kept pace with those of other systems. MAG recommends that you approve action to propose legislation to amend CIARDS as follows:

A. Change the annuity computation rate from its present 2 percent to 2 1/2 percent for all years of Agency service and 2 percent for military and all other government service.

B. Reduce the maximum retirement age from 60 to 56 years of age or 20 years of government service, whichever is later. DCI authority to grant exceptions through age 60 would be limited to cases involving special needs of the Agency.

C. Provide a lump-sum payment of \$50,000 to the survivor of an employee killed in the line of duty.

D. Amend the maximum annuity authorized from 70 percent to 80 percent.

4. Since CIA employees are prohibited from being represented by unions or associations, it is incumbent on Agency management to introduce legislation on behalf of its employees. Many employees suffer undue hardship, personal inconveniences and suffering in serving CIA. We should ensure they receive all the benefits they are entitled to.

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The Management Advisory Group

Attachments:

Comparative Study of Special Retirement Systems

Legislative History of Special Retirement Benefits

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Comparative Study of Special Retirement Systems

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STUDY OF SPECIAL RETIREMENT SYSTEMS

It took some 18 years for certain CIA employees who served in hazardous assignments and/or positions of unusual mental, emotional and/or physical stress, to be granted the benefits accorded members of the Foreign Service.

When the CIA Retirement Act for Certain Employees was enacted in 1964, Congress recognized that CIA employees serve under conditions at least as difficult as, and frequently more onerous and dangerous than, the conditions that led to improved retirement benefits for the Foreign Service and certain personnel of the FBI and other law enforcement agencies. Like members of the military services, CIA employees are obligated to serve anywhere in the world according to the needs of the Agency. Congress recognized that CIA employees perform hazardous and specialized overseas duties in the conduct and support of intelligence activities. They further recognized that overseas CIA work produces "physical difficulties" and "motivational exhaustion" which virtually terminate the usefulness to CIA of certain employees.

The CIA requires younger and more vigorous officers than generally required in government service. Congress, during its hearings, indicated that it was impressed with the need for a young service by urging the Agency to encourage, and in some cases direct, early retirement. In addition, they noted that "the dynamic nature of intelligence work produces sudden and sometimes radical shifts in the types of personnel required and in their deployment," making some employees "occupationally surplus." It is increasingly difficult for former CIA employees to find new employment because their skills are not always applicable to other fields and because employers are hesitant to hire former intelligence officers. This has never been more apparent than with today's image of the CIA employee.

PL 93-350 was passed in 1974 in recognition that it was not economically feasible for a federal law enforcement official or firefighter to retire in his early fifties at the 2 percent annuity computation rate then in force. At the same time that the law increased the annuity rate to 2 1/2 percent, it reduced the maximum retirement age to 55 years or 20 years of service, whichever came later. Some of the agencies employees who were initially identified for this increased rate include: FBI (8,600 employees); Bureau of Prisons (5,000); Immigration and Naturalization (2,400); Marshals (800); DEA (800); ONI (5,000); Postal Inspectors (1,800); IRS (4,500); Customs (2,600); and Secret Service (1,200).

PL 91-509, passed in 1970, provides the most liberal retirement benefits granted to any government employee to date. It calls for a 2 1/2 percent rate for the first 20 years of service and 3 percent for all years over 20. It also is based on the salary at time of retirement. A most important feature of the act is a \$50,000 lump-sum payment to the survivor of an individual killed in the line of duty. These benefits cover members of the Metropolitan Police, U.S. Park Police, Executive Protective Service, D.C. Fire Department and certain members of the Secret Service.

Liberalized retirement benefits had not been limited to the Foreign Service and law enforcement employees prior to the enactment of the CIA act. Since 1948, Members of Congress and, subsequent to that time, Congressional employees have been entitled to greater computation rates. In 1964, Architect of the Capitol personnel and in 1966, Botanic Garden employees were covered under the Congressional retirement program. The annuity is based upon 2 1/2 percent for each year of service as a Member of Congress or Congressional employee; for up to 5 years of military service (for which one is not receiving retirement pay); and, in the case of a Member of Congress, for military service performed while on leave of absence during a war or national emergency. If the total service calculated at 2 1/2 percent does not equal 10 years, then those years of additional government service not calculated at 2 1/2 percent are calculated at 1 3/4 percent, not to exceed a combined total of 10 years. All other service in excess of the combined 10 years of service is calculated at a 2 percent rate. The annuity for a Member of Congress may not exceed 80 percent of his final salary. A Congressional employee's annuity may not exceed 80 percent of his high-three average salary.

Special recognition should be taken of the benefits accorded air traffic controllers in 1972. Because of the stresses associated with that work, mandatory retirement is at age 56. An employee who is voluntarily or involuntarily separated after completing 25 years of service as an air traffic controller or after becoming 50 years of age with 20 years of service is entitled to an annuity no less than 50 percent of his average pay. In addition, the air traffic controller career program provides for up to 2 years of full-time training for those controllers with at least 5 years of service who are, because of physical and/or emotional stress, unable to continue to perform as controllers. They continue to draw their full salary and are entitled to any increase in rate of basic pay provided by law. They are excluded from staffing limitations. If after 2 years they are not assigned other duties, they may be released for transfer to another federal agency, or involuntarily separated. Approximately 700 controllers annually are participating in this career training program out of a total complement of 14,000 employees.

The benefits cited above are not meant to be all encompassing, but rather to highlight liberalized benefits extended to other federal employees. If one can assume that in 1964, certain CIA employees warranted special recognition, then CIA employees' benefits should also be liberalized to keep pace with these other systems.

Executive Order 11491 of October 29, 1969 amended the government-wide plan for labor-management relations established in 1962. However, the CIA and FBI are specifically excluded from participating in labor-management relations. Subsequently, the U.S. Foreign Service (State, AID, and USIA) was removed to a separate program of its own in 1971. Whereas the organizations and unions representing Federal employees have played a most significant role in increased benefits for their employees, CIA employees have no such spokesmen. Without same, it is incumbent upon CIA top management to represent its employees' interests.

CIA employee morale has suffered over the last few years. Congress in its investigations, while criticizing Agency practices and procedures in the past, has never questioned the dedication of, and hard work expended by, CIA employees. Our employees have often heard that CIA takes care of our own. The facts do not bear this out, at least in the area of benefits. Management should show our employees that it cares by introducing proposals for increased retirement benefits on their behalf.

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Legislative History of Special Retirement Benefits

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LEGISLATIVE HISTORY OF SPECIAL RETIREMENT BENEFITS

<u>PUBLIC LAW</u>	<u>DATE OF ACT</u>	<u>BENEFITS</u>
79-601	2 Aug 1946	Coverage for Members of Congress. Annuity at rate of 2 1/2 percent of average annual salary as a member times years of service as member, but no more than 3/4ths of last salary
79-724	13 Aug 1946	Enacted Foreign Service Act to include retirement at age 50 after 20 years with annuity equal to two percent of average salary up to 35 years of service credit. Provides for 1 1/2 years of service credit for each year of service at unhealthful posts except that no such extra credit for service shall be credited to anyone who receives a salary differential. (Option remains with employee)
80-168	11 Jul 1947	Provided retirement for FBI employees to retire at age 50 after 20 years of service with annuity computation equal to two percent of average salary
80-879	2 Jul 1948	Extended same liberalized FBI benefits to officers and employees whose duties "are primarily the investigation, apprehension, or detention of persons suspected of offenses against criminal laws of the United States"
86-604	7 Jul 1960	Liberalized annuity benefits for members of Congress and Congressional Employees
86-622	12 Jul 1960	Provided additional annuity for certain long-term employees and reemployed annuitants and liberalized benefits for Members of Congress
88-267	7 Feb 1964	Included service by Architect of the Capitol personnel as "Congressional Employee" service
88-643	13 Oct 1964	Provided retirement benefits to certain CIA employees. Permitted CIA Director to mandatorily retire at age 50 with 20 years or 25 years at any age, anyone who had at least 10 years with CIA and 5 years qualifying service. Annuity computation equal to two percent of average salary. Maximum retirement pay set at 70 percent of average salary.

<u>PUBLIC LAW</u>	<u>DATE OF ACT</u>	<u>BENEFITS</u>
89-604	26 Sep 1966	Included service for United States Botanic Garden personnel as "Congressional Employee" service
89-737	2 Nov 1966	Provided that premium pay under Section 5545 (c)(1) shall be considered "basic pay" for civil service retirement purposes
90-206	16 Dec 1967	Fixed maximum basic annuity benefit at 80 percent of final pay received by a former member of Congress reemployed with Member-annuity title
91-509	26 Oct 1970	Provided retirement on immediate annuity after 20 years regardless of age. Annuity computed on basis of 2 1/2 percent for first twenty years and 3 percent for all years over 20 on salary at retirement. Maximum retirement pay set at 80 percent. Also provides \$50,000 lump-sum payment to survivor of individual covered who is killed in the line-of-duty. Law covers Metropolitan Police Department, Executive Protective Service, the D.C. Fire Department, U.S. Park Police and certain contingents of US Secret Service
92-297	16 May 1972	Provided liberalized benefits for air traffic controllers. Mandatory retirement at age 56. Annuity entitlement after 25 years as controller or 20 years and age 50. Annuity not less than 50 percent (2 1/2 percent). Law also provides equivalent of 2 years of full-time training for controllers with 5 years of service who are unable to continue to perform as controllers. After 2 years during which they are entitled to all benefits, they be reassigned within DOT, transferred to another federal agency or involuntarily separated.
93-350	12 July 1974	Liberalized retirement benefits for "law enforcement" employees and firefighters (approximately 41,700 employees). Mandatory retirement at age 55 or after 20 years, whichever occurs later. Computation rate increased to 2 1/2 percent on first 20 years and 2 percent for years exceeding 20. Premium pay for uncontrollable overtime as part of basic pay for average salary.

EXCERPTS FROM CONGRESSIONAL TESTIMONY ON 20 SEPTEMBER 1973 RE PL 93-350

Congressman DULSKI

"To maintain a staff of relatively young and vigorous men capable of carrying out the government's criminal law.....by the replacement of older men who, because of the stringent physical requirements of their positions and the unusual mental, emotional and physical stress encountered in performing their duties, are no longer able to perform at peak efficiency.

"The more liberal compensation factor was provided not as a reward for performance of hazardous duties, but because a more generous formula was necessary to make earlier retirement, with resultant shorter service, economically feasible."

"Make it more economically practicable for these employees to retire before reduced proficiency stamina make them a greater risk to themselves and others."

Congressman BRASCO

"First, to assist in maintaining a relatively young, vibrant and effective work force.....

Second, to make the recruitment program for the agencies competitive..
.....

While the intent of the legislation is not to reward our law enforcement officers and firefighters for performing their dangerous duties, but rather in recognition of the everyday psychological stress they must endure, it is a fact that these public servants do suffer fatalities and serious injuries during the course of daily activities."

Congressman RANGEL

"What the bill is doing is encouraging Federal law enforcement officers and firefighters to retire after 20 years. Why? Primarily so that these work forces will remain organizations with young people doing the hazardous work in which they are so involved. To put employees engaged in a hazardous occupation on the same level as other Federal employees with respect to retirement benefits is simply not proper. The Federal officers and firefighters experience hazards, isolation, loneliness, and indefinite hours and locations that other employees do not. And it takes young men to do the good job we require of them under these conditions.....Isolation from one's neighbors and friends is a common problem for these officers, but what may be even worse is the necessary lack of communication with one's family regarding his day-to-day activities. Combined with the hazards we all are aware of and the

indefinite working hours, isolation makes the officer's years of duty a continuous string of stressful days and nights. Yet, I ask, where would we be without his dedication and selfless efforts in combating organized crime?"

Congressman BRASCO

"Is it not a fact that their job descriptions and the assignments that we in the Congress want them to perform, and the service the American people expect to receive make them different because they are firefighters and law enforcement personnel and must put their lives on the line daily, 24 hours a day, which is not so of any other Federal employees in our committee's jurisdiction."

Congressman DANIELS

"While the element of hazard was, and is recognized, I wish to emphasize that the special treatment originally and presently accorded these employees, and the benefit levels proposed in this bill, are provided not as a reward for them having been subjected to an inordinate degree of hazard during the performance of their primary duties.....

.....by providing an incentive for young men and women to enter and remain in such careers, and that replacements within the service might be facilitated at younger ages without undue hardship."

Congressman HUNT

"Many members of the grouping covered by this bill seldom spend more than a few nights each week with their families. So they have given their lives to law enforcement and it is no more than right that we give these men some privileges, some real reason to stay in."